

Price (NC)	Schwarz (MI)	Thompson (MS)
Pryce (OH)	Scott (GA)	Thornberry
Putnam	Sensenbrenner	Tiahrt
Radanovich	Shadegg	Tiberi
Rahall	Shaw	Tierney
Ramstad	Shays	Towns
Rangel	Sherwood	Turner
Regula	Shimkus	Udall (CO)
Rehberg	Shuster	Udall (NM)
Reichert	Simpson	Upton
Renzi	Skelton	Van Hollen
Reynolds	Smith (NJ)	Velázquez
Rogers (AL)	Smith (TX)	Visclosky
Rogers (KY)	Smith (WA)	Walden (OR)
Rogers (MI)	Snyder	Walsh
Rohrabacher	Sodrel	Wamp
Ros-Lehtinen	Solis	Weiner
Ross	Souder	Weldon (FL)
Rothman	Spratt	Weldon (PA)
Roybal-Allard	Stearns	Weller
Royce	Strickland	Westmoreland
Ruppersberger	Stupak	Wexler
Rush	Sullivan	Whitfield
Ryan (OH)	Sweeney	Wicker
Ryan (WI)	Tancredo	Wilson (NM)
Ryun (KS)	Tanner	Wilson (SC)
Salazar	Tauscher	Wolf
Sanchez, Loretta	Taylor (MS)	Wu
Saxton	Taylor (NC)	Wynn
Schiff	Terry	Young (AK)
Schmidt	Thomas	Young (FL)
Schwartz (PA)	Thompson (CA)	

## NAYS—35

Abercrombie	Honda	Schakowsky
Baird	Kucinich	Scott (VA)
Becerra	Lee	Serrano
Berkley	Lofgren, Zoe	Sherman
Berman	McDermott	Stark
Blumenauer	Nadler	Wasserman
Clay	Olver	Schultz
Conyers	Paul	Waters
Delahunt	Payne	Watson
Frank (MA)	Sabo	Watt
Grijalva	Sánchez, Linda	Waxman
Harman	T.	
Hinchey	Sanders	

## NOT VOTING—18

Bishop (NY)	Gohmert	Oberstar
Bono	Inglis (SC)	Reyes
Campbell (CA)	Keller	Sessions
Filner	Lantos	Simmons
Ford	Manzullo	Slaughter
Gibbons	Nussle	Woolsey

□ 1709

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 230, final passage of S. 193, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall vote No. 230 on S. 193, my vote was mistakenly recorded as "aye" when it should have said "nay."

## REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 842, I call up the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Refinery Permit Process Schedule Act".

## SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

## SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

## SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a

Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Federal refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration